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Attorneys for Defendants Shinhan Art Materials, Inc.,  
Shinhan USA, Inc., and C2F Inc.

UNITED STATES DISTRICT COURT

DISTRICT OF OREGON

**TOO MARKER PRODUCTS, INC.,** a  
Japanese corporation, and  
**IMAGINATION INTERNATIONAL,**  
**INC.,** an Oregon corporation,

Plaintiffs,

v.

**SHINHAN ART MATERIALS, INC.,** a  
Korean corporation, **SHINHAN USA,**  
**C2F, INC.,** an Oregon corporation, and  
**BONGKEUN HAN,** an individual,

Defendants.

Civil Case No. 09-1013-PK

**DECLARATION OF BRENN K. LEGAARD  
IN SUPPORT OF DEFENDANTS' RESPONSE  
TO PLAINTIFFS' MOTION FOR  
TEMPORARY RESTRAINING ORDER**

**TRADEMARK CASE**

I, Brenna K. Legaard, hereby declare under penalty of perjury:

1. I am an attorney working at the firm of Chernoff, Vilhauer, McClung, and Stenzel in Portland, Oregon. I am personally knowledgeable regarding the subject matter stated herein and make this declaration in support of Defendant's Response to Plaintiff's Motion for Temporary Restraining Order.

2. Attached as Exhibit 1 to this Declaration is a photograph showing two different versions of TOUCH markers. Upon information and belief, these two examples accurately represent the 2004 TOUCH marker (top/left) and the 2007 TOUCH marker (bottom/right).

3. Attached as Exhibit 2 to this Declaration is a photograph showing the 2007 TOUCH marker (black body, left), and the COPIC marker as it is sold in the U.S. today (white body, right).

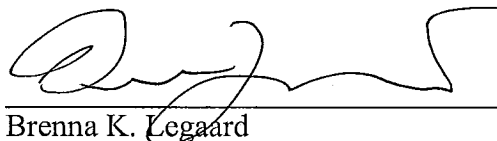
4. Attached as Exhibit 3 to this Declaration is a printout made from copicmarker.com which states the shape of COPIC markers to be functional in that it resists rolling. Upon information and belief, the copicmarker.com domain is controlled by Plaintiff Imagination International, Inc. (see Exhibit 4). I caused this printout to be made on the afternoon of November 6, 2009. Its contents accurately represent the substantive contents of the webpage at that time, although some formatting, graphics, and fonts may be different in the printout than they appear on the screen.

5. Attached as Exhibit 4 to this Declaration is a printout of a page generated by Whois.net, indicating that copicmarker.com is registered to Imagination International, Inc. I caused this printout to be made on the afternoon of November 6, 2009. It is a faithful reproduction of the webpage at that time.

6. Attached as Exhibit 5 to this declaration is a printout of two pages from the website of art supplier and Defendant C2F, showing TOUCH markers retailing at \$6.00 each and COPIC markers retailing at \$6.49 each. I caused this printout to be made on the afternoon of November 6, 2009. Its contents accurately represent the substantive contents of the webpage at that time, although some formatting, graphics, and fonts may be different in the printout than they appear on the screen.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code.

Dated: November 6, 2009

  
Brenna K. Legaard